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107047-0003****FAX RECEIVED****MAR 19 2003****GROUP 1700****FACSIMILE COVER SHEET****DATE: March 17, 2003****TOTAL PAGES WITH COVER:****4****TO:****Group Art Unit 1743/ Examiner Quan****FIRM:****United States Patent and Trademark Office****FACSIMILE NUMBER:****(703) 872-9311****TELEPHONE NUMBER:****(703) 305-1947****FROM:****Robert A. Cesari****COMMENTS:****Enclosed for filing with the United States Patent and Trademark Office is
Remarks Re Hall Et Al. in U.S. Patent Application Serial No. 09/740,624. Thank you for
your attention to this matter.****SPECIAL INSTRUCTIONS:****If you do not receive all pages, or you are not the intended recipient, please contact us at (617) 951-2500 as soon as possible.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:
Julian D. Warhurst et al.

Serial No.: 09/740,624

Filed: December 19, 2000

For: MICROPLATE COVER AS-
SEMBLY

Examiner: Quan, E.

Art Unit: 1743

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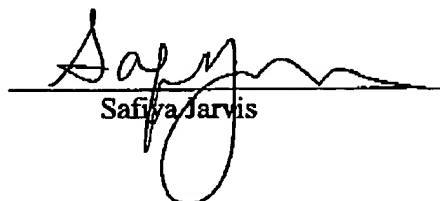
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March 17, 2003

CERTIFICATE OF TRANSMISSION

I hereby certify that the following paper is being facsimile transmitted to the Patent and Trademark Office on March 17, 2003.


Safiya Jarvis

Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REMARKS RE HALL ET AL.

Upon receipt of the Notice of Allowance of the above-identified application we re-viewed the file and it appeared to us that the Examiner had not reviewed the references cited in an Information Disclosure Statement forwarded to the PTO on July 22, 2002. The under-

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signed telephoned the Examiner, who agreed to retrieve the PTO file and review the Hall et al. published patent application cited in the IDS.

We recently received a telephone call from the Examiner, who informed the undersigned that she had retrieved the PTO file and, upon reviewing Hall et al., had decided to reopen prosecution. The following remarks are directed to the distinctions between the claims and the microplate assembly described in Hall et al.

All of the claims in the application define a microplate assembly comprising a multi-well microplate sealed by a cover unit that presses a resilient gasket down against the openings of the wells. The assembly includes a pressure plate disposed on the upper surface of the gasket and a cover, having a generally V-shaped or concave cross section, that bears down on the pressure plate. Specifically, the cover has a longitudinally extending central portion that contacts the pressure plate. Outer portions of the cover, extending from the central portion to the lateral edges of the microplate, are generally angled upwardly away from the pressure plate. The outer edges of the cover connect to downwardly extending sides that project beneath the microplate, thus holding the cover in place. In order to obtain this position of the cover, the outer edges must be forced downwardly. This results in spring forces exerted by the cover: upward along the longitudinal lower edges of the microplate and downwardly along the center line of the pressure plate. The pressure plate distributes the latter force over the entire gasket, thereby obtaining a generally uniform sealing force over the top of the microplate. This combination of a spring-like cover and a pressure plate between the cover and the gasket is recited in all of the claims.


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Hall et al. discloses a microplate assembly that includes a gasket and a cover which, in broad terms, has the characteristics of the cover described above. However, this reference does not disclose or suggest the inclusion of pressure plate. As a result the compressive force is not uniformly applied over the surface of the gasket. Instead, it is concentrated along the center line of the gasket. Specifically, as the outer edges are forced downwardly to lock the cover in place, the resulting increase in compressive force is applied farther and farther from the center line. However, the force is non-uniform: it has a maximum at the center line and diminishes toward the edges. Indeed, it is negligible near the edges.

In as much as Hall et al. does not suggest the cover assembly defined in the claims we submit that the claims were allowable over the reference. We therefore request that the Examiner issue a new Notice of Allowance.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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